


AO 91 (Rev. 08/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
Western District of TexasUnited States of America  
v.  
JAIME DE LOS SANTOS

Case No.

A-10-M-893

FILED  
2010 NOV 15 PM 4:15  
CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY 

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 07/20/2010 and 08/11/2010 in the county of TRAVIS in the  
WESTERN District of TEXAS, the defendant(s) violated:

## Code Section

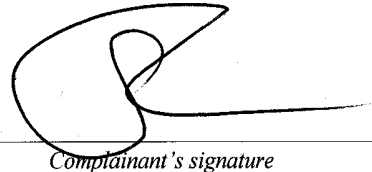
42 USC Section 408(a)(7)(B)  
18 USC Section 1035(a)(2)  
18 USC Section 1546

## Offense Description

Social Security Number Misuse  
False Statements Related to Healthcare Matters  
Fraudulent Use of Alien Registration Card

This criminal complaint is based on these facts:

See attached affidavit

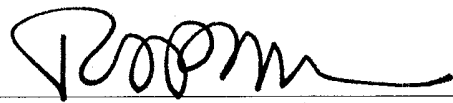
☒ Continued on the attached sheet.

Complainant's signature

ANTONIO PUENTE, SPECIAL AGENT

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/15/10City and state: AUSTIN, TX

Judge's signature

ROBERT PITMAN  
U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

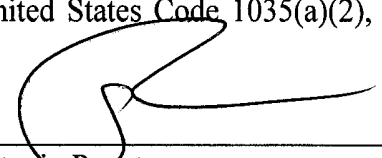
I, Antonio Puente, having been duly sworn, do hereby state and depose as follows:

1. I am employed as a Special Agent (SA) with the Office of the Inspector General, Office of Investigations, Social Security Administration in San Antonio, Texas. I have been so employed since 2002. In connection with my official duties, I investigate criminal violations of Title 42 of the United States Code involving fraud, waste and abuse of Social Security programs. I also investigate employee misconduct within the Social Security Administration and violations under Title 18 of the United States Code. I have received specialized training in the enforcement of these statutes and have also testified in judicial proceedings and presented for prosecution violations of the above Titles.
2. Based on information provided in this affidavit, I believe there is probable cause to support a finding that Jaime De Los Santos (hereafter referred to as DE LOS SANTOS) has violated the provisions of Title 42, United States Code, Section 408(a)(7)(B), Title 18 United States Code 1035(a)(2), and Title 18 United States Code 1546. Except as explicitly set forth below, I have not, in this affidavit, distinguished between the facts of which I have personal knowledge and facts as to which I have hearsay knowledge. I have not set forth each and every fact learned during the course of this investigation, but simply those facts which I believe are necessary to establish probable cause for issuance of an arrest warrant.
3. Certified Nurse's Aides (CNAs) Licensing: Individuals seeking to become CNA's in Texas must complete an approved nurse aide training and competency evaluation program and pass the competency evaluation program examination. CNA education programs cover subjects such as basic nursing principles, patient rights, effective communication, job safety, anatomy and medical terminology, ethics, observation and reporting. Prior to obtaining a passing score on the exam, the student must submit a Texas Nurse Aide Testing Program Application for Registration by Examination. The form is completed and signed by both the individual seeking to become a CNA and the Texas Department of Aging and Disability Services (DADS) approved Nurse Aide Training and Competency Evaluation Program (NATCEP) training facility. The form contains among other information; the applicant's full name, social security account number (SSAN), date of birth, mailing address, education level of the applicant, and nurse aide experience. This investigation has revealed that on or about July 20, 2010, DE LOS SANTOS completed and signed the Texas Nurse Aide Testing Program Application for Registration by Examination.
4. On October 27, 2010, during the course of an investigation conducted by the Pflugerville Police Department (PPD), PPD Assistant Chief Jim Mclean informed me that the PPD identified approximately twenty-eight individuals who had obtained employment at the Pflugerville Nursing Home and Rehab Center (PNHRC) located in Pflugerville, TX within the Western District of Texas; using

false or fictitious documents including Social Security Cards and Resident Alien Cards. PPD Assistant Chief Mclean further informed that DE LOS SANTOS was one of the twenty-eight individuals that had obtained employment as a CNA with the PNHRC. The PNHRC is a nursing home facility that bills both the federal Medicare and state Medicaid health care benefit programs for services rendered to patients residing there. I was provided copies of the documents DE LOS SANTOS provided when applying for employment. A review of these documents revealed that as a part of the application process, DE LOS SANTOS provided two forms of identification including a Social Security Card (XXX-XX-6008) and a Permanent Resident Alien Card (A# 058-239-084).

5. On November 10, 2010, I received the Texas Nurse Aide Testing Program Application for Registration by Examination completed and signed by DE LOS SANTOS and dated July 20, 2010. A review this document revealed that DE LOS SANTOS provided the same SSAN (XXX-XX-6008) on this application, claiming that the Commissioner of the Social Security Administration (COSS) issued the SSAN to him. Further review of the document revealed that DE LOS SANTOS provided two forms of identification to the Central Texas Nurse Network, Inc. a DADS approved NATCEP training facility, a Social Security Card (XXX-XX-6008) and a Permanent Resident Alien Card (A# 058-239-084) and photocopies were made and submitted to DADS along with the application. The Social Security Card listed the name Jamie De Los Santos and SSAN XXX-XX-6008 as evidence that the SSAN was issued to him. Upon further review of this photocopy it appears that, the Social Security Card is a fictitious or counterfeit Social Security Card.
6. On November 12, 2010, I received Department of Homeland Security U.S. Citizenship and Immigration Services Employment Eligibility Verification (Form I-9) and Department of the Treasury Internal Revenue Service Employee's Withholding Allowance Certificate (Form W-4); both documents were completed, signed, and dated on August 11, 2010, by DE LOS SANTOS. The I-9 revealed that DE LOS SANTOS provided a Resident Alien Card-I-551 bearing alien registration number 058-239-084 and a Social Security Card SSAN (XXX-XX-6008), claiming that the numbers had been issued to him. PNHRC made a photocopy of the Social Security Card bearing the name Jaime De Los Santos and SSAN XXX-XX-6008 and Permanent Resident Card bearing the name Jamie De Los Santos and alien registration number 058-239-084 as evidence that these documents were issued to him, upon further review it appears that, the Social Security Card and Resident Alien Cards are fictitious or counterfeit documents.
7. On November 12, 2010, DHS ICE Special Agent (SA) Deron Matteson conducted DHS systems searches for alien registration number 058-239-084, DE LOS SANTOS provided the PNHRC during the application process. SA Matteson explained that alien registration number 058-239-084, was a valid alien registration number assigned to another individual and not assigned to DE LOS SANTOS.

8. On November 12, 2010, I conducted Social Security Administration systems searches for the above referenced SSAN. I discovered that the SSAN was a valid SSAN issued by the Commissioner of the Social Security Administration, but the SSAN was not issued to DE LOS SANTOS. The systems searches further revealed that the SSAN was originally by issued on October 24, 1996, to an individual named T. Madura.
9. On or about July 20, 2010, DE LOS SANTOS did knowingly and willfully falsify, conceal, and made materially false, fictitious, or fraudulent statements or representations, and used materially false writing or documents knowing that the same contained materially false, fictitious, and fraudulent statements and entries that were in connection with the delivery of or payment for a health care benefit program, in violation of Title 18 United States Code 1035(a)(2).
10. On or about August 11, 2010, DE LOS SANTOS did willfully, knowingly and with intent to deceive, falsely represent a number to be the social security account number assigned by the Commissioner of Social Security to him, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to him, in violation of Title 42, United States Code, Section 408(a)(7)(B).
11. On or about August 11, 2010, DE LOS SANTOS did knowingly possess, obtain, accept, or received a document, to wit, a Permanent Resident Alien Card (I-551), in the name of Jaime DE LOS SANTOS, prescribed by statue or regulation as evidence of authorized stay or employment in the United States, knowing that document to be forged, counterfeited, altered, or falsely made, or to have been otherwise procured by fraud or unlawfully obtained, in violation of law of Title 18 United States Code 1546.
12. Based on the forgoing, I submit that sufficient probable cause exists to believe that Jaime DE LOS SANTOS has violated the provisions of Title 42, United States Code, Section 408(a)(7)(B), Title 18 United States Code 1035(a)(2), and Title 18 United States Code 1546.



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Antonio Puente  
Special Agent  
Social Security Administration  
Office of the Inspector General  
Office of Investigations

Sworn to before me and subscribed in my presence

A handwritten signature in black ink, appearing to be "R. J. [unclear]", written over a horizontal line.

U.S. Magistrate Judge